IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/092,178
Applicants	:	Teng Pin Poo et al.
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Examiner	:	Il Woo Park
Confirm. No.	:	7556
Docket No.	:	1601457-0013
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Date: 5/15/2009 By: Wendi R. Schepler
Wendi R. Schepler

REVISED APPEAL BRIEF

This is an appeal pursuant to 37 C.F.R. § 41.37 from the decision of the Examiner in the above-identified application as set forth in the final Office Action dated March 2, 2007. The rejected claims are reproduced in Appendix A. A Notice of Appeal and a Pre-Appeal Brief Request for Review were filed on September 4, 2007. A Notice of Panel Decision from Pre-Appeal Brief Review stating that the application remains under appeal was mailed on May 13, 2008.

A Notification of Non-Compliant Appeal Brief was mailed December 3, 2008, which indicated that the original Appeal Brief did not contain a statement of the status

of all claims. Appellants filed a response to the Notification on January 5, 2009 that included the section that was found to be defective.

A second Notification of Non-Compliant Appeal Brief was mailed April 16, 2009. The second Notification indicated that the original Appeal Brief did not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal. In explaining the asserted lack of concise explanation, the Examiner identified a list of claim limitations for which a citation to the Specification is required. Appellants note that none of the listed limitations except for "housing" and "USB socket" appear in the independent claims, and that 37 C.F.R. 41.37(c)(1)(v) only requires that the brief contain a concise explanation of the subject matter defined in each of the **independent** claims. However, to facilitate the resolution of the appeal, in this Revised Appeal Brief Appellants are pointing to the support in the specification for all of the limitations listed in the second Notification.

The fee for filing an Appeal Brief (Large Entity) pursuant to 37 C.F.R. § 41.20(b)(2) and an extension of time fee were paid when the original Appeal Brief was filed. Any additional fees or charges in connection with this application may be charged to White & Case Deposit Account No. 50-3672.

REAL PARTY IN INTEREST

The assignee, Trek Technology (Singapore) Pte. Ltd., of Applicants, Teng Pin Poo and Mun Kwong Kuan, is the real party of interest in the above-identified U.S. Patent Application.

RELATED APPEALS AND INTERFERENCES

There are no other appeals and/or interferences related to the above-identified application at the present time.

STATUS OF CLAIMS

Claims 1-9 and 12-22 were rejected in the final Office Action mailed March 2, 2007. Claims 10 and 11 have been canceled. Claims 1-9 and 12-22 are on appeal.

STATUS OF AMENDMENTS

Appellants added new claims 15-22 in an Amendment dated November 27, 2006. These amendments were entered and claims 1-9 and 12-22 were rejected in the final Office Action dated March 2, 2007.

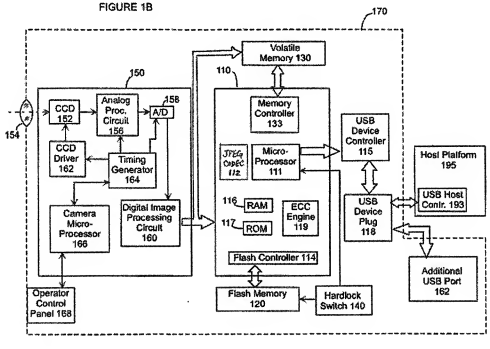
SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1

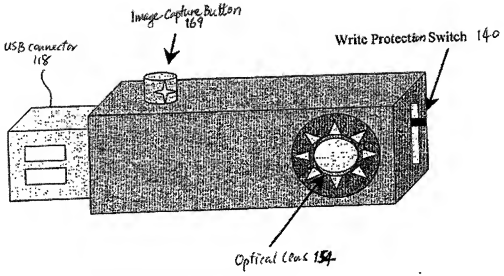
Appellants' invention is directed to a portable camera device capable of operation with a host platform. Referring to FIG. 1B of the application, reproduced below, portable camera device 170 comprises a digital camera 150 integrally formed with a non-volatile memory 120, and a microprocessor 111. Specification, pg. 12, lines 24-25; pg. 13, lines 5-6. The non-volatile memory 120 is in communication with a USB plug 118 via an integrated circuit 110. Specification, pg. 12, lines 15-17. The non-volatile memory 120 is capable of storing image and/or audio information captured by the digital camera 150. Specification, pg. 13, line 25 – pg. 14, line 1. As shown in FIG. 2 of the application, reproduced below, the USB plug 118 is integrally adapted to the housing of the portable camera device 170. Specification, pg. 14, lines 19-22. The housing is not identified by a reference number in FIG. 2 but is clearly shown as a shaded rectangular

parallelepiped, which has six faces, each of which is a rectangle. Although not required by claim 1, Appellants note that it is well known that a rectangular parallelepiped has at least two sets of substantially parallel faces. USB plug 118 facilitates direct coupling of the portable camera device 170 to the USB socket of a host platform. Specification, pg. 14, lines 23-24 ("the USB port of host platform 195"). It is well-known that a USB port on a host platform is a USB socket that is configured to receive a USB plug.

FIGURE 1B



Patent Application, FIG. 1B



Patent Application, FIG. 2

Independent Claim 12

Appellants' invention is directed to a method of capturing image and/or audio information and uploading the image and/or audio information to a host platform. The method comprises capturing image and/or audio data using a portable camera device 170 having a housing and a USB plug 118 integrally adapted to the housing. Specification, pg. 14, lines 14-16; pg. 9, line 5 – pg. 10, line 20; FIG. 1B; FIG. 2. The housing is not identified by a reference number in FIG. 2 but is clearly shown as a shaded rectangular parallelepiped, which has six faces, each of which is a rectangle. Although not required by claim 12, Appellants note that it is well known that a rectangular parallelepiped has at least two sets of substantially parallel faces. The captured image and/or audio data is then digitized. Specification, pg. 9, lines 14-17. The digitized image and/or audio data is then processed into a form that is compatible with the host platform. Specification, pg.

11, lines 5-8; pg. 12, lines 1-4. The method further comprises uploading the image and/or audio data to the host platform via a coupling of the USB plug of the portable camera device to a USB socket of the host platform. Specification, pg. 12, lines 4-12; pg. 14, lines 23-24 ("the USB port of host platform 195"). It is well-known that a USB port on a host platform is a USB socket that is configured to receive a USB plug.

Independent Claim 14

Appellants' invention is directed to a method of authenticating an operator seeking access to information on a storage medium. The method comprises capturing image and/or audio identification data using a portable camera device 170 having a housing and a USB plug 118 integrally adapted to the housing. Specification, pg. 14, lines 14-16; pg. 9, line 5 – pg. 10, line 20; FIG. 1B; FIG. 2. The housing is not identified by a reference number in FIG. 2 but is clearly shown as a shaded rectangular parallelepiped, which has six faces, each of which is a rectangle. Although not required by claim 14, Appellants note that it is well known that a rectangular parallelepiped has at least two sets of substantially parallel faces. In one embodiment, the image and/or audio identification data is a unique image, such as that of the operator's face. Specification, pg. 15, line 24 – pg. 16, line 1. At least portions of the captured image and/or audio identification data are then compared against a template stored in a memory such as non-volatile memory 120. Specification, pg. 16, lines 1-7; FIG. 1B. The method further comprises allowing access to the information on the storage medium if the image and/or audio identification data matches the stored template. Specification, pg. 16, lines 7-10.

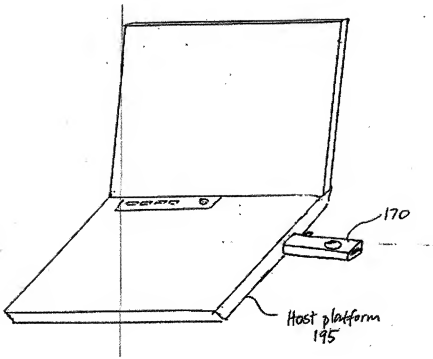
Independent Claims 15 and 19

Appellants' invention is directed to a portable camera device capable of operation with a host platform. Referring to FIG. 1B of the application, reproduced above, portable camera device 170 comprises a digital camera 150 integrally formed with a non-volatile memory 120, and a microprocessor 111. Specification, pg. 12, lines 24-25; pg. 13, lines 5-6. The non-volatile memory 120 is in communication with a USB plug 118 via an integrated circuit 110. Specification, pg. 12, lines 15-17. The non-volatile memory 120 is capable of storing image and/or audio information captured by the digital camera 150. Specification, pg. 13, line 25 – pg. 14, line 1. As shown in FIG. 2 of the application, reproduced above, the USB plug 118 is integrally adapted to the housing of the portable camera device 170. Specification, pg. 14, lines 19-22. The housing is not identified by a reference number in FIG. 2 but is clearly shown as a shaded rectangular parallelepiped, which has six faces, each of which is a rectangle. Although not required by claim 15 or claim 19, Appellants note that it is well known that a rectangular parallelepiped has at least two sets of substantially parallel faces. USB plug 118 facilitates direct coupling of the portable camera device 170 to the USB port of a host platform. Specification, pg. 14, lines 23-24. ("the USB port of host platform 195"). It is well-known that a USB port on a host platform is a USB socket that is configured to receive a USB plug.

Although not required by claim 15 or claim 19, Appellants note that as shown in FIG. 2, the width of the housing of the portable camera device 170 is between 1 and 1.5 times the width of the USB plug 118, and the length of the housing is between 3.5 and 4 times the length of the USB plug 118. If one were to measure the width of the USB plug

118 (i.e., the dimension of the USB plug 118 parallel to the shorter dimension of the face of the housing that includes the optical lens 154) and the width of the housing (i.e., the shorter dimension of the face of the housing that includes the optical lens 154) in FIG. 2 as reproduced above, one would see that the width of the USB plug 118 is approximately 18 mm, and the width of the housing is approximately 26 mm, which is between 1 and 1.5 times the width of the USB plug 118. Although not required by claim 15 or claim 19, Appellants note that measurements of the length of the housing (i.e., the longer dimension of the face of the housing that includes the optical lens 154) and the length of the USB plug 118 (i.e., the dimension of the USB plug 118 parallel to the longer dimension of the face of the housing that includes the optical lens 154) in FIG. 2 would similarly demonstrate that the length of the housing is between 3.5 and 4 times the length of the USB plug 118.

As shown in FIG. 2A, reproduced below, the housing and the USB plug are configured such that the portable camera device is capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer without having to elevate the keyboard and/or such that the portable camera device is capable of being directly plugged into the USB port on the side of the keyboard section of a notebook computer sitting on a flat surface such that there is a space between the housing of the portable camera device and the flat surface. Specification, FIG. 2; FIG. 2A.



Patent Application, FIG. 2A

GROUNDS OF REJECTION TO BE REVIEWED

1. The rejection of claims 15-22 as unpatentable under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

2. The rejection of claims 15 and 19 as unpatentable under 35 U.S.C. §103(a) over Japanese Patent Application Publication 2002-232769 to Gotanda in view of Japanese Patent No. H11-53060 to Tosaka and further in view of U.S. Patent No. 6,992,721 to Kambayashi et al.

3. The rejection of claims 1-4, 9, 12, and 13 as unpatentable under 35 U.S.C. § 103(a) over Gotanda in view of Tosaka.

4. The rejection of claim 8 as unpatentable under 35 U.S.C. §103(a) over Gotanda in view of Tosaka and further in view of U.S. Patent No. 6,753,921 to Shimizu.

5. The rejection of claims 5-7 as unpatentable under 35 U.S.C. § 103(a) over Gotanda in view of Tosaka and further in view of knowledge of one of ordinary skill in the art.

6. The rejection of claim 14 as unpatentable under 35 U.S.C. § 103(a) over U.S. Patent Application Publication 2003/0122839 to Matraszek et al. in view of Tosaka.

ARGUMENT

1. Rejection of claims 15-22 under 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 15-22 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Appellants respectfully traverse.

Appellants note that claims 16-18 and 20-22 have only been rejected under § 112, first paragraph, and have not been rejected in view of any prior art references. Thus, these claims are allowable providing that they satisfy the written description requirement, which they certainly do as Appellants explain below.

To comply with 35 U.S.C. § 112, ¶ 1, "the disclosure need only reasonably convey to persons skilled in the art that the inventor had possession of the subject matter in question." *Fujikawa v. Wattanasin*, 93 F.3d 1159, 1570 (Fed. Cir. 1996); *Fiers v. Revel*, 984 F.2d 1164, 1170 (Fed. Cir. 1993); *In re Kaslow*, 707 F.2d 1366, 1375 (Fed. Cir. 1983); *see also Vas-Cath v. Mahurkar*, 935 F.2d 1555, 1563-64 (Fed. Cir. 1991). "The [Federal Circuit] and its predecessor have repeatedly held that claimed subject matter 'need not be described *in haec verba*' in the specification to satisfy the written description requirement." *Univ. of Rochester v. G.D. Searle & Co.*, 358 F.3d 916, 922-23 (Fed. Cir. 2004). When the express or inherent support in the specification is not present,

implicit support in the disclosure will suffice. *See* MPEP 2163(I)(B) (8th ed., Sept. 2007) ("While there is no *in haec verba* requirement, newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure."). **Particularly, drawings alone can be sufficient to provide the written description of the invention.** *Vas-Cath*, 935 F.2d at 1564.

Claim 15 recites that "the portable camera device is capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface without having to elevate the keyboard section from the flat surface." Claim 19 recites that "the portable camera device is capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface such that there is a space between the body of the portable camera device and the flat surface."

These limitations are shown in the drawings. FIG. 2 shows that the USB plug 118 is an integral part of the portable camera device 170, which allows the portable camera device 170 to be directly plugged into a USB port on the side of the keyboard section of a notebook computer, as shown in FIG. 2A. FIG. 2 also shows the size of the housing of the portable camera device 170 relative to the size of the USB plug 118. Particularly, the width of the housing is between 1 and 1.5 times the width of the USB plug 118. The size of the housing relative to the size of the USB plug 118 shows that the portable camera device 170 is sized such that it can be plugged into the notebook computer without having to elevate the keyboard section of the notebook computer from a flat surface. Further, FIG. 2A shows the portable camera device 170 directly connected to the USB port of a notebook computer 195. FIG. 2A clearly shows that there is a space between

the body of the portable camera device 170 and a flat surface that the notebook computer 195 is sitting on. Thus, FIGS. 2 and 2A provide the written description of the inventions recited in claims 15 and 19.

Claims 16 and 20 recites that "the width of the housing is between 1 and 1.5 times the width of said USB plug; and the length of said housing is between 3.5 and 4 times the length of said USB plug." Claims 17 and 21 recite that "housing comprises 2 sets of substantially parallel faces substantially orthogonal to each other." Claims 18 and 22 recite that "the width of one of the sets of the substantially parallel faces is between 1 and 1.5 times the width of said USB plug; and the length of the other set of substantially parallel faces is between 3.5 and 4 times the length of said USB plug."

These limitations are shown in the drawings. FIG. 2 shows the relative sizes of the USB plug 118 and the housing of the portable camera device 170. FIG. 2 shows that the width of the housing is between 1 and 1.5 times the width of the USB plug 118, as recited in claims 16 and 20. If one were to measure the width of the USB plug 118 and the housing (i.e., the shorter dimension of the face of the housing that includes the optical lens 154) in FIG. 2 as reproduced above, one would see that the width of USB plug 118 is approximately 18 mm, and the width of the housing is approximately 26 mm, which is between 1 and 1.5 times the width of the USB plug 118. Thus, FIG. 2 provides the written description of the invention as recited in claims 16 and 20.

FIG. 2 also shows that the housing of portable camera device 170 has 2 sets of substantially parallel faces substantially orthogonal to each other as recited in claims 17 and 21. The general shape of the housing as shown in FIG. 2 is clearly a rectangular parallelepiped, which has six faces, each of which is a rectangle. The rectangular

parallelepiped embodiment shown in FIG. 2 discloses a housing having 2 sets of substantially parallel faces substantially orthogonal to each other. Thus, FIG. 2 provides the written description of the invention as recited in claims 17 and 21.

FIG. 2 also shows that the width of one of the sets of the substantially parallel faces is between 1 and 1.5 times the width of said USB plug; and the length of the other set of substantially parallel faces is between 3.5 and 4 times the length of said USB plug as recited in claims 18 and 22. If one were to measure the width of the USB plug 118 and the housing (i.e., the shorter dimension of the face of the housing that includes the optical lens 154) in FIG. 2 as reproduced above, one would find that the width of USB plug 118 is approximately 18 mm, and the width of the housing is approximately 26 mm, which is between 1 and 1.5 times the width of the USB plug 118. If one were to measure the length of the USB plug 118 and the housing (i.e., the longer dimension of the face of the housing that includes the image capture button 169) in FIG. 2, one would find that the length of the USB plug 118 is approximately 22 mm and the length of the housing is approximately 80 mm, which is between 3.5 and 4 times the length of the USB plug 118. Thus, FIG. 2 provides the written description of the invention as recited in claims 18 and 22.

Since the drawings of the application show the limitations set forth above, Appellants respectfully submit that claims 15-22 comply with the written description requirement of §112, first paragraph and are in condition for allowance.

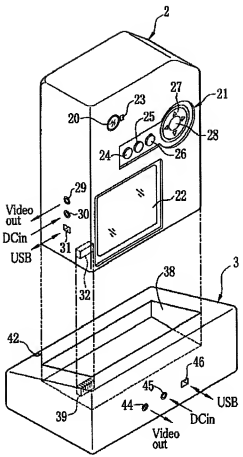
2. Rejection of claims 15 and 19 under 35 U.S.C. § 103(a)

The Examiner rejected claims 15 and 19 as unpatentable under 35 U.S.C. §103(a) over Japanese Patent Application Publication 2002-232769 to Gotanda in view of

Japanese Patent No. H11-53060 to Tosaka and further in view of U.S. Patent No. 6,992,721 to Kambayashi et al. Appellants respectfully traverse.

Claims 15 and 19 recite "a USB plug integrally adapted to the housing of the portable camera device to facilitate direct coupling of the portable camera device via the USB plug to a USB socket of the host platform." In the Office Action the Examiner stated that Gotanda discloses a USB connector 31 in FIG. 2 and that this USB connector 31 teaches the USB plug recited by claims 15 and 19. Appellants respectfully disagree.

FIG. 2 of the application, reproduced above, shows an embodiment where the USB plug 118 substantially protrudes from the housing of the portable camera device 170. In contrast, the USB connector 31 of Gotanda as shown in FIG. 2 of the reference, reproduced below, is clearly a USB *socket*. A USB socket is a different structure than a USB plug. The disclosure of a USB socket integral to a housing of a device does not teach a USB *plug* integral to the housing of a portable camera device.



Gotanda Reference, FIG. 2

The Examiner argues on page 3 of the Office Action that the USB connector 31 of Gotanda can be either a plug or a socket. But the Examiner is trying to read into the Gotanda reference a disclosure that simply isn't there. Gotanda does not teach or disclose that the USB connector 31 can be either a plug or a socket. Gotanda only refers to each of USB connector 31 and USB connector 46 of FIG. 2 as a "connector," FIG. 2 of Gotanda clearly shows that both connector 31 and connector 46 are USB *sockets*, and Gotanda does not disclose that either of these connectors can be a USB plug. Further, each of the non-USB connectors shown in FIG. 2 of Gotanda (connectors 29, 30, 44, and 45) are sockets as well.

"For a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art. . . . Although this disclosure requirement presupposes the knowledge of one skilled in the art of the claimed invention, that presumed knowledge does not grant a license to read into the prior art reference teachings that are not there." *Motorola, Inc. v. Interdigital Tech. Corp.*, 121 F.3d 1461 (Fed. Cir. 1997). Thus, the Examiner's attempt to read into Gotanda the disclosure of a USB plug integral with the housing of a portable camera device is improper.

Claims 15 and 19 recite "a microprocessor for at least in part formatting said image and/or audio information in a standard image and/or audio file format compatible with the host platform." This microprocessor is an element separate from the recited "digital camera" element. The Examiner cited to the CPU 48 of Gotanda as disclosing the microprocessor of claims 15 and 19. But the CPU 48 of Gotanda is the CPU of the digital camera 2 (paragraph [0023]), not a microprocessor that is separate from the digital camera as recited in claims 15 and 19. Thus Gotanda does not teach or disclose the microprocessor recited in claims 15 and 19.

On page 9 of the Office Action, the Examiner stated that Tosaka discloses directly connecting a USB plug of a camera device to a host computer, pointing to FIG. 1. However, FIG. 1 of Tosaka does not show that the camera 2 is connected to the notebook computer 1 using a USB interface. It is unclear from the figure how the camera is connected to the notebook computer and paragraph [0009] of Tosaka, which discusses FIG. 1, does not mention a USB connection between the camera and the notebook computer. Paragraph [0011] discloses a USB connection with regard to FIG.

3, but in FIG. 3 the USB connection shown uses a cable. FIG. 5 of Tosaka shows a more detailed view of the camera 2 but does not show the camera 2 as having a USB plug that is integral to a housing. Appellants respectfully submit that there is no disclosure in Tosaka of directly connecting a USB plug of a camera device to a host computer.

Claim 15 recites that "the portable camera device is capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface without having to elevate the keyboard section from the flat surface" and claim 19 recites that "the portable camera device is capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface such that there is a space between the body of the portable camera device and the flat surface." The Examiner stated that Kambayashi discloses these limitations. Appellants respectfully disagree.

The camera 200 of Kambayashi includes a stand 270 that can be used to adjust the height of the camera 200 in relation to the height of the notebook computer. Kambayashi, col. 5, lines 54-56; col. 6, line 50 – col. 7, line 16; FIG. 16. As shown in FIG. 16 of Kambayashi, reproduced below, the stand 270 is intended to be in contact with a surface (footprint P) when connected to a notebook computer. Col. 7, lines 1-7.

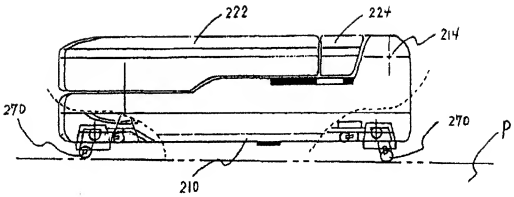


FIG. 16

Kambayashi Reference, FIG. 16

Kambayashi teaches that the camera 200 is in contact with the surface the notebook computer is sitting on. Otherwise, the support provided by stand 270 would be unnecessary. Kambayashi teaches that stand 270 "may reduce stress arising in connector 250" (col. 7, lines 14-15), which teaches away from a portable camera device that is not supported by a stand. Thus Kambayashi does not disclose a portable camera device that is capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface such that there is a space between the body of the portable camera device and the flat surface. Similarly, Kambayashi does not teach or disclose a portable camera device capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface without having to elevate the keyboard section from the flat surface.

Neither Gotanda, Tosaka, nor Kambayashi, alone or in combination, teaches or discloses all of the elements of claims 15 and 19. Appellants respectfully submit that claims 15 and 19 are not obvious in view of the cited references and are in condition for allowance.

2. Rejection of claims 1-4, 9, 12, and 13 under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-4, 9, 12, and 13 as unpatentable under 35 U.S.C. § 103(a) over Gotanda in view of Tosaka. Appellants respectfully traverse.

Claims 1 and 12 recite a portable camera device having a housing and "a USB plug integrally adapted to the housing to facilitate direct coupling of the portable camera device via the USB plug to a USB socket of a host computer." In the Office Action the Examiner stated that Gotanda discloses a USB connector 31 in FIG. 2 and that this USB connector 31 teaches the USB plug recited by claims 1 and 12. Appellants respectfully disagree.

Claims 1 and 12 specifically recite a "USB plug" that is integral to the housing of the portable camera device. Such a USB plug is shown in FIG. 2 of the application, reproduced above, where the USB plug 118 substantially protrudes from the housing of the portable camera device 170. In contrast, the USB connector 31 of Gotanda as shown in FIG. 2 of the reference, reproduced above, is clearly a USB *socket*. A USB socket is a different structure than a USB plug. The disclosure of a USB socket integral to a housing of a device does not teach a USB *plug* integral to the housing of a portable camera device.

The Examiner argues on page 3 of the Office Action that the USB connector 31 of Gotanda can be either a plug or a socket. But the Examiner is trying to read into the Gotanda reference a disclosure that simply isn't there. Gotanda does not teach or disclose that the USB connector 31 can be either a plug or a socket. Gotanda only refers to each of USB connector 31 and USB connector 46 of FIG. 2 as a "connector," FIG. 2 of Gotanda clearly shows that both connector 31 and connector 46 are USB

sockets, and Gotanda does not disclose that either of these connectors can be a USB plug. Further, each of the non-USB connectors shown in FIG. 2 of Gotanda (connectors 29, 30, 44, and 45) are sockets as well.

"For a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art. . . . Although this disclosure requirement presupposes the knowledge of one skilled in the art of the claimed invention, that presumed knowledge does not grant a license to read into the prior art reference teachings that are not there." *Motorola, Inc. v. Interdigital Tech. Corp.*, 121 F.3d 1461 (Fed. Cir. 1997). Thus, the Examiner's attempt to read into Gotanda the disclosure of a USB plug integral with the housing of a portable camera device is improper.

Claim 1 recites "a microprocessor for at least in part formatting said image and/or audio information in a standard image and/or audio file format compatible with the host platform." This microprocessor is an element separate from the recited "digital camera" element. The Examiner cited to the CPU 48 of Gotanda as disclosing the microprocessor of claim 1. But the CPU 48 of Gotanda is the CPU of the digital camera 2 (paragraph [0023]), not a microprocessor that is separate from the digital camera as recited in claim 1. Thus Gotanda does not teach or disclose the microprocessor recited in claim 1.

On page 7 of the Office Action, the Examiner stated that Tosaka discloses directly connecting a USB plug of a camera device to a host computer, pointing to FIG. 1. However, FIG. 1 of Tosaka does not show that the camera 2 is connected to the notebook computer 1 using a USB interface. It is unclear from the figure how the

camera is connected to the notebook computer and paragraph [0009] of Tosaka, which discusses FIG. 1, does not mention a USB connection between the camera and the notebook computer. Paragraph [0011] discloses a USB connection with regard to FIG. 3, but in FIG. 3 the USB connection shown uses a cable. FIG. 5 of Tosaka shows a more detailed view of the camera 2 but does not show the camera 2 as having a USB plug that is integral to a housing. Appellants respectfully submit that there is no disclosure in Tosaka of directly connecting a USB plug of a camera device to a host computer.

Neither Gotanda nor Tosaka, alone or in combination, teaches or discloses all of the elements of claims 1 and 12. Appellants respectfully submit that claims 1 and 12 are not obvious in view of the cited references and are in condition for allowance. Claims 2-4, 9, and 13 depend from claims 1 and 12, and are therefore allowable for at least the same reasons.

4. Rejection of claim 8 under 35 U.S.C. § 103(a)

The Examiner rejected claim 8 as unpatentable under 35 U.S.C. §103(a) over Gotanda in view of Tosaka and further in view of U.S. Patent No. 6,753,921 to Shimizu. Appellants respectfully traverse.

Claim 8 depends from claim 1, and is therefore allowable for at least the same reasons.

5. Rejection of claims 5-7 under 35 U.S.C. § 103(a)

The Examiner rejected claims 5-7 as unpatentable under 35 U.S.C. § 103(a) over Gotanda in view of Tosaka and further in view of knowledge of one of ordinary skill in the art. Appellants respectfully traverse.

Claims 5-7 depend from claim 1, and are therefore allowable for at least the same reasons.

6. Rejection of claim 14 under 35 U.S.C. § 103(a)

The Examiner rejected claim 14 as unpatentable under 35 U.S.C. § 103(a) over U.S. Patent Application Publication 2003/0122839 to Matraszek et al. in view of Tosaka. Appellants respectfully traverse.

Matraszek discloses a method for determining affective information (information related to the emotions of a person toward images) and using the affective information and user identifiers in retrieving digital images and producing hardcopy output. Matraszek, paragraphs [0028] and [0029]. The collected affective information is associated with a particular user by a user identifier. Paragraph [0031]. A video camera used with facial recognition software can provide a user identifier. Paragraph [0067]. The user identifier is incorporated into a personal affective tag that also includes affective information associated with that user. Paragraphs [0087] – [0089]; FIG. 4A.

Claim 14 recites a method of authenticating an operator seeking access to information on a storage medium, including "capturing image and/or audio identification data via a digital camera," "comparing at least portions of said image and/or audio identification data against a template stored in a memory," and "allowing access to the information if the image and/or audio identification data matches the stored template." In contrast, Matraszek discloses capturing an image of a user's face with a video camera to provide a user identifier, which is then associated with affective information about other images. The captured image in Matraszek is used as a user identifier to associate collected affective information with a particular user and to retrieve personal affective

information for the user. *See* paragraph [0095]. The user identifier in Matraszek is not used to control a user's access to information stored in a memory. Matraszek does not disclose comparing a captured image of the user's face to a template stored in memory to allow access to information on a storage medium if the captured image matches the template.

Claim 14 also recites a digital camera "having a housing and a USB plug integrally adapted to the housing to facilitate direct coupling of the digital camera via the USB plug to a USB socket of a host platform." Matraszek only discloses connecting a digital camera or video camera to a home computer using a cable. Paragraphs [0052] and [0054].

On page 12 of the Office Action, the Examiner stated that Tosaka discloses directly connecting a USB plug of a camera device to a host computer, pointing to FIG. 1. However, FIG. 1 of Tosaka does not show that the camera 2 is connected to the notebook computer 1 using a USB interface. It is unclear from the figure how the camera is connected to the notebook computer and paragraph [0009] of Tosaka, which discusses FIG. 1, does not mention a USB connection between the camera and the notebook computer. Paragraph [0011] discloses a USB connection with regard to FIG. 3, but in FIG. 3 the USB connection shown uses a cable. FIG. 5 of Tosaka shows a more detailed view of the camera 2 but does not show the camera 2 as having a USB plug that is integral to a housing. Appellants respectfully submit that there is no disclosure in Tosaka of directly connecting a USB plug of a camera device to a host computer.

Neither Matraszek nor Tosaka, alone or in combination, teach or disclose all of the limitations of claim 14. Appellants respectfully submit that claim 14 is not obvious in view of the cited references and is in condition for allowance.

CONCLUSION

For the foregoing reasons, Appellants respectfully submit that the pending claims are in condition for allowance.

Respectfully submitted,

Dated: May 15, 2009 By: _____

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APPENDIX A: CLAIMS APPENDIX

1. A portable camera device capable of operation with a host platform, the portable camera device comprising:

a housing;

a USB plug integrally adapted to the housing of the portable camera device to facilitate direct coupling of the portable camera device via the USB plug to a USB socket of the host platform;

a non-volatile memory in communication with said USB plug;

a digital camera, integrally formed with said non-volatile memory, for capturing image and/or audio information, said non-volatile memory capable of storing said image and/or audio information; and

a microprocessor for at least in part formatting said image and/or audio information in a standard image and/or audio file format compatible with the host platform.

2. A portable camera device as recited in claim 1, said non-volatile memory comprising flash memory.

3. A portable camera device as recited in claim 1, said USB plug capable of coupling to a USB port of the host platform.

4. A portable camera device as recited in claim 1, said standard image and/or audio file format comprising a JPEG file format.

5. A portable camera device as recited in claim 1, said standard image and/or audio file format comprising a GIF file format.

6. A portable camera device as recited in claim 1, said standard image and/or audio file format comprising a PICT II file format.

7. A portable camera device as recited in claim 1, said standard image and/or audio file format comprising an MPEG file format.

8. A portable camera device as recited in claim 1, further comprising a power supply circuit for receiving power from the host platform and providing said power to components of the portable camera device.

9. A portable camera device as recited in claim 1, further comprising a power source for providing power to components of the portable camera device.

10. (canceled)

11. (canceled)

12. A method of capturing image and/or audio information and uploading the image and/or audio information to a host platform, comprising the steps of:

(a) capturing image and/or audio data using a portable camera device, said portable camera device having a housing and a USB plug integrally adapted to the housing to facilitate direct coupling of the portable camera device via the USB plug to a USB socket of the host platform;

(b) digitizing said image and/or audio data captured in said step (a);

(c) processing said image and/or audio data digitized in said step (b) into a form compatible with the host platform; and

(d) uploading said image and/or audio data from the portable camera device to the host platform via a coupling of the USB plug to a USB socket of the host platform.

13. A method of capturing image and/or audio information as recited in claim 12, further comprising a step (e) of storing said image and/or audio data in a volatile memory.

14. A method of authenticating an operator seeking access to information on a storage medium, comprising the steps of:

(a) capturing image and/or audio identification data via a digital camera, said digital camera having a housing and a USB plug integrally adapted to the housing to facilitate direct coupling of the digital camera via the USB plug to a USB socket of a host platform;

(b) comparing at least portions of said image and/or audio identification data against a template stored in a memory; and

(c) allowing access to the information if the image and/or audio identification data matches the stored template upon comparison in said step (b).

15. A portable camera device capable of operation with a host platform, the portable camera device comprising:

a housing;

a USB plug integrally adapted to the housing of the portable camera device to facilitate direct coupling of the portable camera device via the USB plug to a USB socket of the host platform;

a non-volatile memory in communication with said USB plug;

a digital camera, integrally formed with said non-volatile memory, for capturing image and/or audio information, said non-volatile memory capable of storing image and/or audio information; and

a microprocessor for at least in part formatting said image and/or audio information in a standard image and/or audio file format compatible with the host platform;

wherein the housing of the portable camera device and the USB plug are configured such that the portable camera device is capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface without having to elevate the keyboard section from the flat surface.

16. The portable camera device of claim 15 further wherein:

the width of said housing is between 1 and 1.5 times the width of said USB plug; and

the length of said housing is between 3.5 and 4 times the length of said USB plug.

17. The portable camera device as recited in claim 15, wherein:

said housing comprises 2 sets of substantially parallel faces substantially orthogonal to each other.

18. The portable camera device as recited in claim 17, wherein:

the width of one of the sets of the substantially parallel faces is between 1 and 1.5 times the width of said USB plug; and

the length of the other set of substantially parallel faces is between 3.5 and 4 times the length of said USB plug.

19. A portable camera device capable of operation with a host platform, the portable camera device comprising:

a housing;

a USB plug integrally adapted to the housing of the portable camera device to facilitate direct coupling of the portable camera device via the USB plug to a USB socket of the host platform;

a non-volatile memory in communication with said USB plug;

a digital camera, integrally formed with said non-volatile memory, for capturing image and/or audio information, said non-volatile memory capable of storing image and/or audio information; and

a microprocessor for at least in part formatting said image and/or audio information in a standard image and/or audio file format compatible with the host platform;

wherein the body of the portable camera device and the USB plug are configured such that the portable camera device is capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface such that there is a space between the body of the portable camera device and the flat surface.

20. The portable camera device as recited in claim 19, wherein:

the width of said housing is between 1 and 1.5 times the width of said USB plug; and

the length of said housing is between 3.5 and 4 times the length of said USB plug.

21. The portable camera device of claim 19 further wherein:

said housing comprises 2 sets of substantially parallel faces substantially orthogonal to each other.

22. The portable camera device as recited in claim 21, wherein:

the width of one of the sets of the substantially parallel faces is between 1 and 1.5 times the width of said USB plug; and

the length of the other set of substantially parallel faces is between 3.5 and 4 times the length of said USB plug.

APPENDIX B: EVIDENCE APPENDIX

NONE

APPENDIX C: RELATED PROCEEDINGS APPENDIX

NONE